

PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13

Application Number

10/821,234

Filing Date

7 April 2004

First Named Inventor

Ivan Labat

Art Unit

1600

Examiner Name

TSD

Attorney Docket Number

821A

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Copy of Application Data Sheet submitted on 08/23/2004.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Four (4) Declarations with ADS.
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	NUVELO, Inc.		
Signature	<i>Renee S. Polizzotto</i>		
Printed name	Renee S. Polizzotto, Ph.D.		
Date	September 21, 2004	Reg. No.	53,474

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Donna Rose-Burns</i>		
Typed or printed name	Donna Rose-Burns	Date	September 21, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
Attorney Docket No. 821A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Labat et al.**Serial No: 10/821,234****Filed: April 7, 2004****For: METHODS FOR THE
DIAGNOSIS AND TREATMENT
OF PREECLAMPSIA**CERTIFICATE OF MAILING
UNDER 37 CFR 1.8

I hereby certify that this correspondence and any documents referred to as being are being facsimile transmitted to 703.746.9195 on

Date of Deposit: September 21, 2004
Person signing Certificate: Donna Rose-Burns
Signature of Person MailingPETITION RELATING TO THE FILING DATE OF A PATENT APPLICATION
UNDER 37 C.F.R. §1.53 (e)Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit this Petition Relating to the Filing Date of a Patent Application under 37 C.F.R. §1.53(e) in response to the Notice of Incomplete Nonprovisional Application mailed July 21, 2004. The Notice states that the above-identified application was deposited without drawings. Applicants submit that although the instant specification describes a Figure 1 (see pages 4 and 477 of the instant application), Figure 1 is not necessary for the understanding of the instant invention. All the information necessary for understanding the instant invention is contained within the specification as filed. Therefore, Applicants respectfully request that the instant application be accorded the filing date of April 7, 2004 which is the date the materials were deposited.

However, since the Figure 1 was inadvertently omitted from the filing of the instant application but was timely filed with the provisional application from which the instant application claims priority, namely U.S. Provisional Application Serial No. 60/462,047, Applicants respectfully request that the Figure 1 from the priority Provisional Application Serial No. 60/462,047 be incorporated into the specification of the instant application.

U.S. Serial No. 10/821,234

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Since the instant application is a continuation of U.S. Provisional Application Serial No. 60/462,047, the entire disclosure of the prior provisional application is considered to be a part of the disclosure of the instant application and can be relied upon when a portion has been inadvertently omitted from the submitted application.

Applicants authorize the Commissioner to charge the Nuvelo, Inc. deposit account number 50-1169 for the petition fee of US \$130.00 under 37 C.F.R. §1.17. The Commissioner is also authorized to charge any fees, or credit any overpayments, to the Nuvelo, Inc. deposit account number 50-1169.

Respectfully submitted,

September 21, 2004

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/821,234	04/07/2004	Ivan Labat	821A

34285
NUVELO
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SUNNYVALE, CA 94085

CONFIRMATION NO. 9734

FORMALITIES LETTER



OC000000013292678

Date Mailed: 07/21/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



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PART 2 - COPY TO BE RETURNED WITH RESPONSE